

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

District of New Mexico

United States of America

v.

America GARCIA-Morales

Case No.

20 mj 775

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of February 29, 2020 in the county of Hidalgo in the
 State and District of New Mexico, the defendant(s) violated:

Code Section

Title 8 U.S.C. § 1324 (a)(1)(A)(v)(I)

Offense Description

Knowingly, intentionally, and unlawfully conspired, combined, confederated and agreed with others known and unknown, to commit offenses against the United States, namely: to transport, move, and attempt to transport and move an alien within the United States by means of transportation and otherwise.

This criminal complaint is based on these facts:

See attached affidavit.

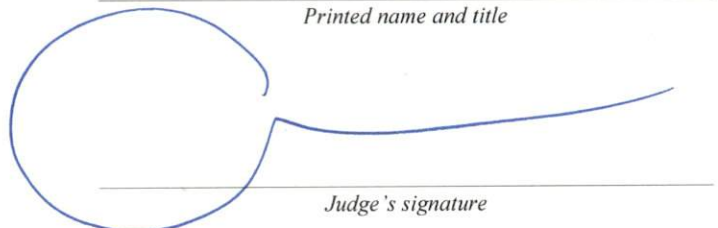
☒ Continued on the attached sheet.


Complainant's signature

Lorenzo G. Renteria, Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 03/02/2020


Judge's signature

City and state: Las Cruces, New Mexico

Carmen E. Garza, U.S. Magistrate Judge

Printed name and title

CRIMINAL COMPLAINT - CONTINUED

United States of America

VS

America GARCIA-Morales

On February 29, 2020, at approximately 9:00 a.m., United States Border Patrol Agent Jack Farmer observed a gray in color Ford Mustang, bearing Arizona license plate CJJ 3080, driving northbound on New Mexico State Highway (NSMH) 80 as he drove south bound on the same road. Agent Farmer noted NSMH 80 to be rural highway frequently utilized as a smuggling route as it runs from Douglas, Arizona, to Interstate 10 just east of the New Mexico/Arizona border. Agent Farmer observed that the driver of the Ford Mustang brake excessively causing the front end of the vehicle to dip and veer to the right. Agent Farmer also observed the front passenger had a nervous look on his face. Agent Farmer conducted a U-turn to investigate further. Agent Farmer requested a record check from United States Border Patrol Dispatch in Deming, New Mexico, which reported the vehicle was registered to Oscar COTA from Phoenix, Arizona. Agent Farmer noted the route of travel on New Mexico State Highway 80 was abnormal for someone traveling to Phoenix, Arizona, as the route is longer than other available options. Agent Farmer also noted the type of vehicle, a sports car, was outside of the norm of what typically travels through that portion of New Mexico State Highway 80, a rural location, which usually consists of pickup trucks and agricultural/commercial type vehicles.

Agent Farmer pulled over the vehicle utilizing his emergency equipment to conduct an immigration inspection of the vehicle's occupants. The vehicle stopped near mile marker 22 of NSMH 80, which is located within Hidalgo County of New Mexico. Upon approaching the vehicle, Agent Farmer noted the two passengers in the rear of the vehicle laying down. Agent Farmer identified himself as a United States Border Patrol Agent and informed the occupants he was conducting an immigration inspection. The driver, America GARCIA-Morales, and front passenger, Oscar COTA, claimed to be United States Citizens. The passengers in the rear of the vehicle, Calib Isay HICHPAS-Galvez and Daniel LEON-Mota both declared they were citizens for Peru and Mexico respectively, with no proper documentation to be, remain, or reside in the United States. All four subjects were taken into custody and transported to the Lordsburg Border Patrol Station for processing.

Homeland Security Investigations (HSI), Deming was officially notified of the possible failed alien smuggling attempt at approximately 10:44 a.m. and reported to the Lordsburg Border Patrol Station to further investigate. At approximately 12:42 p.m., Agent Farmer briefed HSI about the detained persons status and particulars of the stop.

On February 29, 2020, at approximately 2:08 p.m. Border Patrol and HSI conducted a post *MIRANDA* video/audio recorded interview with America GARCIA-Morales. GARCIA-Morales waived her right to have an attorney present during questioning. The interview was conducted in the English language. GARCIA-Morales stated she knew she was detained for smuggling people. GARCIA-Morales stated that on February 28, 2020, she was offered and accepted a job to pick up illegal aliens from Douglas, Arizona, for which she was going to be paid approximately \$500 per person, \$1000 total. GARCIA-Morales stated she agreed to split the proceeds with Oscar COTA, whom she told about the opportunity to make money for picking illegal aliens from Douglas, Arizona, and transporting them to Phoenix, Arizona.

On February 29, 2020 at approximately 2:46 p.m. Border Patrol and HSI conducted a post *MIRANDA* video/audio recorded interview with Oscar COTA. COTA waived his rights to have an attorney present during questioning. The interview was conducted in the English language. COTA stated he knew he was arrested for having illegal aliens in his car. COTA stated he had agreed to travel with GARCIA-Morales to pick up illegal aliens and transport them to Phoenix, Arizona for a fee. COTA admitted to driving his vehicle to Douglas, Arizona. Once in Douglas, Arizona, COTA and GARCIA-Morales switched positions in the vehicle as GARCIA-Morales was to drive back to Phoenix, Arizona. COTA stated they picked up the two passengers, illegal aliens, from a residence in Douglas, Arizona.

Federal Prosecution for 8 USC 1324(a)(1)(A)(v)(I); Conspiracy to Transport, was authorized by the U.S. Attorney's Office, District of New Mexico.

Subscribed and sworn to before me
on March 2, 2020.



Carmen E. Garza
United States Magistrate Judge

Carmen E. Garza



Lorenzo G. Renteria
Special Agent